

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

IN RE:

COVID-19 PUBLIC HEALTH AND SAFETY

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STANDING ORDER 2020-07

**STANDING ORDER EXTENDING JURY TRIAL MORATORIUM
BECAUSE OF NATIONAL EMERGENCY**

On March 16, 2020, this Court issued a standing order that among other things established a temporary moratorium on all jury trials until May 16, 2020 because of the COVID-19 (coronavirus) pandemic. See Middle District Standing Order 2020-01 as amended by Standing Order 2020-02. That order, which has been entered in all pending criminal cases, granted a continuance in all criminal cases from March 17, 2020 through May 16, 2020, specifically excluding that period from the Speedy Trial Act calculations. Since the issuance of that order, Congress enacted the Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (the CARES Act), which authorizes the Judicial Conference of the United States to provide the Chief Judges of the United States District Courts authority to permit identified criminal proceedings by video or audio conference. And on March 29, 2020, the Judicial Conference

of the United States determined that "emergency conditions due to the national emergency declared by the President have materially affected and will materially affect the functioning of the federal courts generally." Based upon these findings and pursuant to the CARES Act, this Court entered another standing order on March 30, 2020 that authorized the judges of this district to conduct hearings by telephone and video conference. That order was based upon the specific finding that because of the circumstances giving rise to the national emergency, the appearance of persons live at the courthouse for court proceedings would place the public health and safety in serious jeopardy. See Standing Order 2020-03. That order is effective for ninety days from the date it was entered unless extended by the Court.

The national emergency declared by the President regarding COVID-19 remains in effect. The conditions that authorized this Court's previous standing orders regarding COVID-19 persist. Holding jury trials continues to pose a substantial risk of harm to the health and safety of summonsed jurors, witnesses, parties, court personnel and members of the public. Jury trials cannot be conducted remotely. This health and safety risk will continue beyond the end of the Court's present jury trial moratorium which is scheduled to terminate on May 16, 2020. The Court therefore finds it necessary and appropriate to extend this moratorium until July 13, 2020.

With regard to criminal proceedings, the Court finds that the right of defendants in criminal cases and the public to a speedier trial during this extended moratorium is substantially outweighed by the public interest of protecting the health and safety of defendants, the case participants, court employees, jurors, and the public, which can only be protected by this moratorium on jury trials. The ends of justice require this continuance. Accordingly, the time period of the continuance shall be extended so that it is now March 17, 2020 to July 13, 2020, and this period shall be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A). Although this order shall have the effect of continuing all jury trials during this period, any defendant in a criminal case shall have the right to file a motion for a speedier trial, which shall be considered and decided by the judge assigned to the defendant's case.

The Court also extends Standing Order 2020-03 to correspond with today's findings and directives such that the provisions of that order shall remain in effect until July 13, 2020, unless otherwise ordered by the Court. All previous standing orders shall remain in effect except to the extent that certain provisions are inconsistent with today's order.

The Clerk shall docket today's order in every criminal case presently pending and that shall become pending prior to July 13, 2020 in this district.

This 1st day of May, 2020

S/Clay D. Land

CLAY D. LAND
CHIEF UNITED STATES DISTRICT JUDGE